

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

| | | |
|-------------------------|---|------------------------------------|
| KEVIN FERNANDEZ, |) | 3:14-CV-0578-MMD (VPC) |
| |) | |
| Plaintiff, |) | <u>MINUTES OF THE COURT</u> |
| |) | |
| vs. |) | July 1, 2015 |
| |) | |
| JAMES GREG COX, et al., |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Plaintiff's motion for court to issue and serve summons and complaint on defendants not represented in defendants' supplemental notice (#36) is **GRANTED** as follows:

Defendant Seth Davis

Plaintiff has advised the court that he did not receive the order re service concerning Seth Davis. Therefore, the court reissues the order as follows:

The Office of the Attorney General did not accept service of process on behalf of defendant Seth Davis. However, the Attorney General has filed the last known address of this defendant *under seal* (#39).

The Clerk shall **ISSUE** a summons for **Seth Davis** and send the same to the U.S. Marshal with the address provided under seal (#39). The Clerk shall **SEND** to plaintiff one USM-285 form. The Clerk shall **SEND** one copy of the complaint (#5), and one copy of this order to the U.S. Marshal for service on the defendant. Plaintiff shall have until **Friday, July 12, 2015** to complete the USM-285 service form and return them to the U.S. Marshal at 400 S. Virginia Street, 2nd Floor, Reno, NV 89501 for service.

If plaintiff fails to follow this order, the above-named defendant will be dismissed for failure to complete service of process pursuant to Fed.R.Civ.P. 4(m).

Defendant Christian Rowley

Plaintiff has notified the court that defendant Rowland is more properly identified as Christian Rowley. The Office of the Attorney General shall notify the court on or before **Friday, July 12, 2015** whether it will accept service on behalf of Christian Rowley. If not, the Office of the Attorney General shall file this defendant's last known address under seal.

Defendant Perkins and Brown

Defendants mistakenly accepted service on behalf of Glenn Perkins who is not a party to this lawsuit. Plaintiff has identified defendants Perkins and Brown as female officers. Defendants have notified the court that no female officers named Perkins and Brown worked at Ely State Prison during the relevant time frame. Plaintiff has more properly identified these officers in his reply dated June 29, 2015 (#53). Therefore,

On or before **Friday, July 12, 2015**, the Office of the Attorney General shall file a notice identifying the female officer serving meals in ESP Unit 2 during the day shift on July 11-13, 2014, and the female officer serving meals in ESP Unit 1 during the afternoons of May 16-17, 2014.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: _____/s/_____
Deputy Clerk